



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,256	03/24/2004	Isao Tsuyama	1344.1140	5420

21171 7590 04/25/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
----------	--------------

2883

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,256

Applicant(s)

TSUYAMA, ISAO

Examiner

Kianni C. Kaveh

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of claims 1-5 in a paper submitted on 2/14/06 is acknowledged. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation 'the light input' in line 5, 'said first port' in line 8, 'said third port' in line 8, 'said second port' in lines 8-9, 'the transmitted light output' in line 10, 'said optical transmission section' in lines 10-11, 'the light output' in line 11, 'the multiplexed light' in line 12. There is insufficient antecedent basis for these limitations in the claim. Corrections are required.

Allowable Subject Matter

Claims 2 and 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no longer the base claim is rejected under U.S.C 112 2nd P.

Art Unit: 2883

Claim 2 and 4-5 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious their respective limitations in combination with the rest of the limitations of the base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxham (US 6411407).

Regarding claim 1, Maxham teaches an optical apparatus for bidirectional optical communication (shown in at least fig. 4) comprising:
an optical transmission section (see received-long band item A) that outputs a transmitted light; an optical reception section that is input with a received light whose

Art Unit: 2883

wavelength is different from that of the transmitted light (see fig. 4, item mux/demus West);

an apparatus, which includes an optical filter, outputting the light input thereto, via said optical filter (shown in fig. 4, item 56 with a filter 58);

a first optical component (demux E-side), which includes first through third ports, outputting the light input to said first port to said third port, and outputting the light input to said second port to said first port (shown in fig. 4, item demux E-side with three ports);

a second optical component multiplexing the transmitted light output from said optical transmission section A with the light output from the third port of said first optical component, to output the multiplexed light to said apparatus (shown in fig. 4, item 52); and

a third optical component 72 separating the light output from said apparatus 56 according to wavelength difference, to output the separated lights to the second port of said first optical component (see 2nd port of Mux/Demux East) and to said optical reception section (see item mux/demux West), respectively.

However, Maxham does not specifically teach wherein the above filter is an optical isolator. It is obvious/well-known to those of ordinary skill in the art when the invention was made that a filter is a form of isolating specific wavelength(s) and further an isolator is extremely conventional unit widely used in fiber optic communication and whether to use a filter or a conventional 'isolator' is a matter of design configuration

Art Unit: 2883

since such configuration would provide an optical apparatus in which bidirectional signals are transmitted/received in an efficient manner (see col. 1, lines 37-41)

Regarding claim 3, Maxham further teaches a supervisory control section that controls at least one of said optical transmission section, said optical reception section and said apparatus, based on at least one of operational states of said optical transmission section, said optical reception section and said apparatus (shown in fig. 4, item 14a).

Citation of Relevant Prior Art

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

Bala et al. 6333799

US 20050180749 A1 Koley, Bikash et al.

US 20050175342 A1 Nakajima, Ichiro et al.

US 20050111788 A1 Tsuyama, Isao

US 20020191250 A1 Graves, Alan F. et al.

US 6333799 B1 Bala; Krishna et al.

US 6101012 A Danagher; David John et al.

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

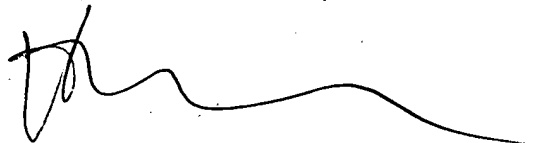
or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



April 24, 2006

**KAVEH KIANNI
PRIMARY EXAMINER**